



February 17, 2016

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## ENGROSSED HOUSE BILL No. 1288

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DIGEST OF HB 1288 (Updated February 15, 2016 3:27 pm - DI 102)

**Citations Affected:** IC 3-6; IC 3-14.

**Synopsis:** Poll takers. Repeals a statute requiring an individual to respond to a poll taker visiting the individual's place of lodging. Removes provisions requiring the proprietor or manager of a place of lodging to maintain lists of residents of the place of lodging for certain periods relating to an election. Repeals related statutes.

**Effective:** Upon passage.

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**Richardson, Wesco, Cox, GiaQuinta**  
(SENATE SPONSOR — WALKER)

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January 12, 2016, read first time and referred to Committee on Elections and Apportionment.

January 28, 2016, reported — Do Pass.

February 1, 2016, read second time, ordered engrossed. Engrossed.

February 2, 2016, read third time, passed. Yeas 75, nays 21.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Elections.

February 16, 2016, reported favorably — Do Pass.

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EH 1288—LS 6842/DI 75





February 17, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1288

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-6-11-4 IS REPEALED [EFFECTIVE UPON  
2 PASSAGE]. Sec. 4: Each person who is requested to provide  
3 information for a poll authorized under section 1 of this chapter shall  
4 respond to the poll taker upon the exhibition of the certificate required  
5 under section 2 of this chapter. The person responding shall provide all  
6 information in the possession of the person concerning the name;  
7 residence; and other qualifications for voting of each person within the  
8 election district.

9       SECTION 2. IC 3-6-11-5 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This ~~subsection~~ **section**  
11 does not apply to the proprietor or manager of a residential mental  
12 health facility. ~~The proprietor or manager of each:~~

13       **(b) As used in this section, "place of lodging" refers to any of the**  
14 **following:**

- 15           (1) ~~A~~ boarding house.  
16           (2) ~~A~~ lodging house.  
17           (3) ~~A~~ residential building.

EH 1288—LS 6842/DI 75



(4) An apartment. or

(5) Any other place within which persons are lodged.

(c) **The proprietor or manager of a place of lodging** shall maintain a complete and accurate list of all residents so domiciled during the period beginning seventy (70) days before each election and ending fifty (50) days before the election.

(b) The proprietor, manager, or association of co-owners of a condominium (as defined in IC 32-25-2-7) shall maintain a complete and accurate list of all residents of the condominium during the period beginning seventy (70) days before each election and ending fifty (50) days before the election.

(c) **allow** a poll taker for a political party or an independent candidate for a federal or a state office **is entitled** to enter a place described in subsection (a) of **lodging** or a condominium during reasonable hours to take a poll of residents.

SECTION 3. IC 3-6-11-6 IS REPEALED [EFFECTIVE UPON PASSAGE]. Sec. 6: The list required by section 5 of this chapter must state the following:

(1) Name and address (including apartment, room, or unit number) of each person residing:

(A) at the place of lodging listed in section 5(a) of this chapter;  
or

(B) in the condominium.

(2) Address of each vacant place of lodging or living unit of the condominium.

SECTION 4. IC 3-6-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The proprietor, manager, or association of co-owners shall retain the list required by section 5 of this chapter for at least forty (40) days after the election.

(b) The list required by section 5 of this chapter shall be submitted to each poll taker for examination within ten (10) days after a request. The proprietor, manager, or association and the poll taker may agree that the list will be mailed to the poll taker or will be available at the place of lodging or condominium. If no agreement can be reached, the list shall be made available at the place of lodging or the condominium.

(c) (a) If the proprietor, manager, or association of co-owners does not

(1) permit a poll taker for a political party or an independent candidate for a federal or a state office to enter the place or condominium under section 5(c) of this chapter,

(2) maintain a complete and accurate list as required under section 5 of this chapter; or



~~(3) provide the list required under this section to a political party upon request;~~

the chairman of the county election board of the county in which the place or condominium is located shall call a meeting of the board under IC 3-6-5.

~~(d)~~ **(b)** The secretary of the county election board shall notify the proprietor, manager, or association of the meeting by certified mail, return receipt requested.

~~(e)~~ **(c)** The county election board shall receive evidence concerning violations of this section and, if the board determines that reasonable cause exists to believe that a violation has occurred, forward a copy of the minutes of the meeting to the prosecuting attorney of the county in which the place or condominium is located for proceedings under IC 34-28-5.

SECTION 5. IC 3-6-11-7.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 7-5: An organization that takes a poll of voters under this chapter or a poll taker taking the poll may not:~~

~~(1) use the poll list for any purpose except conducting a campaign or voter registration; or~~

~~(2) give, loan, sell, or transfer the poll list to a person who intends to use the list for any purpose except conducting a campaign or voter registration.~~

SECTION 6. IC 3-14-3-24 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 24: An organization that violates IC 3-6-11-7.5 commits a Class C infraction.~~

**SECTION 7. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1288 as introduced.)

SMITH M

Committee Vote: Yeas 10, Nays 1

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1288, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1288 as printed January 29, 2016.)

WALKER, Chairperson

Committee Vote: Yeas 5, Nays 2

